

III. REMARKS

1. Claims 33-42 and 44-54 remain in the application. Claims 1-32 and 43 have been cancelled without prejudice. Claims 55-62 are new. Claims 33-42, 53, and 54 have been amended.

2. Claims 35, 36, 38-42, and 50 are not anticipated by "Lovegety." (www6.cnn.com/WORLD/asiapcf/9806/07/fringe/japan.lovegety/ and <http://www.geocities.com/Pentagon/Bunker/5921/lovegety.html>) under 35 USC 102(a).

2.1 Claims 35 and 38-42 depend from claim 36.

Lovegety fails to disclose or suggest:

circuitry for trading a digital collectable card associated with a user of the first mobile terminal;

a detector arranged to detect whether a second mobile terminal is available for trading the digital collectable card; and

a short-range wireless communication transceiver for directly communicating with the second mobile terminal for trading the digital collectable card,

wherein the detector is further arranged to detect the availability of a particular digital collectable card,

all as recited by claim 36.

2.1.1 Lovegety discloses a device where a user sets the device to an "activity." The device beeps when it detects other devices in the area and may also indicate whether another device is set to the same or a different activity. Lovegety has no disclosure related to circuitry for trading a digital collectable card associated with a user of a first mobile terminal.

On page 2 of the present Action, the Examiner states that “the Lovegety devices are capable to trading data information with other Lovegety devices.” Applicants respectfully submit that this is not necessarily true. A rejection based on inherency must include a rationale or evidence tending to show inherency.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. ... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.... (MPEP 2112 quoting *In re Rijckaert*, 9 F.3d 1531, 1534, (Fed. Cir. 1993), and *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App.&Inter. 1990), emphasis in originals).

Applicants respectfully submit that there is no explicit disclosure that Lovegety devices trade information. The device simply recognizes when another device is in proximity and doesn't necessarily exchange information. Trading information is not necessarily a feature of the Lovegety device and therefore not inherent in the cited reference. More important, the Lovegety device does not trade digital collectable cards.

Furthermore, there is no disclosure that the Lovegety has any circuitry for trading a digital collectable card. There is nothing evenly remotely related to digital collectable cards and nothing related to trading digital collectable data cards associated with a user of a mobile communication terminal.

2.1.2 Lovegety has no disclosure related to a detector arranged to detect whether a second mobile terminal is available for trading a digital collectable card. Again, there is nothing evenly remotely related to digital collectable cards in Lovegety and nothing about a detector for detecting whether a second mobile terminal is available for trading a digital collectable card.

2.1.3 Lovegety has no disclosure related to a short-range wireless communication transceiver for directly communicating with a second mobile terminal for trading a digital collectable card. Lovegety is silent with respect to digital collectible cards and with respect to trading such files with another mobile communication terminal.

2.1.4 Lovegety also has no disclosure related to a detector arranged to detect the availability of a particular digital collectable card. There is simply nothing related to detecting the availability of a particular digital collectable card in Lovegety.

2.2 Lovegety fails to disclose or suggest a system for trading a plurality of digital collectable cards including:

a first mobile terminal having a user associated with a first card of the plurality of digital collectable cards, wherein the system is configured to detect the availability of the first card,

a second mobile terminal having a second user, the second mobile terminal being capable for associating the second user with the first card, the second mobile terminal operable to determine if the first mobile terminal is in the vicinity of the second mobile terminal,

wherein the system is configured to detect whether the second mobile terminal is available for trading the first card, and wherein the first and second mobile terminals both comprise a short-range wireless communication transceiver for directly communicating between the first and second mobile terminals for trading the first card,

all as recited by claim 50.

2.2.1 For all the reasons argued above, there is nothing in Lovegety related to a first mobile terminal having a user associated with a first card of a plurality of digital collectable cards and nothing related to a system is configured to detect the availability of the first card.

2.2.2 Because there is nothing in Lovegety related to digital collectable cards, there is also nothing in Lovegety related to a second mobile terminal having a second user, the second mobile terminal being capable for associating the second user with the first card.

2.2.3 Lovegety also has nothing related to a system configured to detect whether the second mobile terminal is available for trading the first card. In addition, there is nothing about a short-range wireless communication transceiver for directly communicating between the first and second mobile terminals for trading a card.

Therefore, because Lovegety fails to disclose or suggest all the features of claims 36 and 50, Lovegety fails to anticipate independent claims 36 and 50 and dependent claims 35 and 38-42.

3. Claims 33, 34, 37, and 51-54 are patentable over Lovegety under 35 USC 103(a).

Claims 33, 34, 37, 53, and 54 depend from claim 36, and claims 51 and 53 depend from claim 50.

As argued above, Lovegety fails to disclose or suggest all the features of claims 36 and 50, and those features of claims 36 and 50 missing from Lovegety are not known in the art. Therefore Lovegety fails to render claims 33, 34, 37, 53, and 54 unpatentable.

4. Claims 45-49 are patentable over the combination of Lovegety and Sehr (US 6,325,295) under 35 USC 103(a).

The combination of Lovegety and Sehr fails to disclose or suggest a method including:

trading a digital collectable card associated with a user of a first mobile terminal, including:

detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card; and

communicating within an operational range of short range wireless communications directly between the first and second terminals for trading the particular digital collectable card,

as recited by claim 45.

4.1 As argued above, Lovegety fails to disclose or suggest detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card. Sehr discloses a hardware portable collector card device that uses smart card technology. However, there is no disclosure that the hardware card or any other device in Sehr is a mobile terminal, and no suggestion or hint of detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card. Sehr describes a card system with a card issuer, a card service center, a card station and one or more service providers. Various services are available via the hardware card, including storing collectable information, security data, loading monetary values and electronic payment forms, and using the card to view the collectable information and to pay for goods and services. Nevertheless, there is no mobile terminal in Sehr capable of detecting whether a second mobile terminal is available for trading a digital collectable card, including detecting the availability of a particular digital collectable card.

4.2 The combination of Lovegety and Sehr also fails to disclose or suggest communicating within an operational range of short range wireless communications directly between the first and second terminals for trading the particular digital collectable card. Lovegety has no disclosure related to trading digital collectable cards at all. Sehr also has no disclosure related to communicating within an operational range of short range wireless communications directly between the first and second terminals for trading the particular digital collectable card. Column 15, lines 27-28 of Sehr mentions that cards may be traded between collectors, but there is no mention of any method of trading a card. In addition, there is no mention of trading a card associated with a user of a mobile terminal. Furthermore, there is no mention of a trading a digital collectable card with another mobile communication terminal.

Because the combination of Lovegety and Sehr fails to disclose or suggest all the features of claim 45, the combination of Lovegety and Sehr fails to render independent claim 45 and dependent claims 46-49 unpatentable.

5. Claim 55 is new and is directed to a mobile communication terminal having circuitry arranged to obtain a digital collectible card data file associated with the mobile communication terminal, a short-range wireless communication transceiver arranged to detect whether another mobile communication terminal is in an operational range with the mobile communication terminal, the short-range wireless communication transceiver further arranged to detect a request for availability of the digital collectible card data file, and the short-range wireless communication transceiver further arranged to communicate so that the digital collectible card data file can be traded with the another mobile communication terminal.

5.1 For all the reasons above, none of the cited references, either alone or in combination, disclose or suggest the features of claim 55. Applicants respectfully submit that there is no explicit disclosure that Lovegety devices trade information. The device simply recognizes when another device is in proximity. More importantly, the Lovegety device does not trade digital collectable card data files. Sehr has no disclosure related to this feature. Furthermore, there is no disclosure in either reference related to obtaining digital collectable data card files associated with a mobile communication terminal. In addition, neither reference has any disclosure related to a short-range wireless communication transceiver further arranged to detect a request for availability of the digital collectible card data file. Applicants find no suggestion or even a hint that the Lovegety or Sehr devices have a transceiver capable of detecting an availability request of a digital collectible card data file. Still further, neither reference discloses a short-range wireless communication transceiver further arranged to communicate so that the digital collectible card data file can be traded with another mobile communication terminal.

6. New claim 59 is directed to a method including associating a digital collectible card data file with a first mobile communication terminal, detecting whether the first

mobile communication terminal is in an operational range of a short range wireless communication with a second mobile communication terminal, and further detecting availability of the digital collectible card data file, and communicating within the operational range of the short range wireless communication between the first and the second mobile communication terminals in order to trade the digital collectible card data file.

None of the cited references alone or in combination disclose or suggest these features.

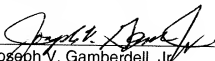
7. New claim 62 recites a system comprising a first mobile communication terminal having a short-range wireless communication transceiver, a second mobile communication terminal having a short-range wireless communication transceiver, a network entity arranged to associate a digital collectible card data file with the first mobile communication terminal, wherein the short-range wireless communication transceiver of the first mobile communication terminal is arranged to detect whether the second mobile communication terminal is in an operational range the first mobile communication terminal, the short-range wireless communication transceiver of the first mobile communication terminal being arranged to detect a request for availability of the digital collectible card data file from the second mobile communication terminal, and the short-range wireless communication transceiver of the first mobile communication terminal arranged to communicate in order to trade the digital collectible card data file to the second mobile communication terminal.

The cited references, either alone or in combination, fail to disclose or suggest these features.

It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable consideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gamberdell, Jr. 11 September 2007
Reg. No. 44,695 Date

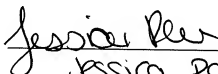
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